

**RECEIVED
CENTRAL FAX CENTER****SEP 26 2005****Nixon & Vanderhye PC**
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(703) 816-4005***FACSIMILE COVER SHEET***
PLEASE DELIVER IMMEDIATELY!!!!Our Ref.: 4137-33
Your Ref.: USSN 10/808,504 Date: September 26, 2005To: Office of Petitions (William Dixon)
Firm: USPTO
Facsimile No.: 571-273-8300
From: Len MitchardNumber of Pages (including cover sheet): 8
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PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).)lcm
FACSIMILE OPERATORATTACHMENT/S: Petition for Withdrawal of Abandonment with attached Appendices
A and B.**MESSAGE:****CONFIDENTIALITY NOTE**

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**RECEIVED
CENTRAL FAX CENTER****SEP 26 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Confirmation No.: 5518

TRIGG et al

Atty. Ref.: 4137-33

Serial No. 10/808,504

Group: 1654

Filed: March 25, 2004

Examiner: Audet, M.

For: SUSTAINED PEPTIDE-RELEASE FORMULATION

* * * * *

September 26, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION FOR WITHDRAWAL OF PROVISIONAL
HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)(1)**

Pursuant to 37 C.F.R. 1.181(a)(1) and MPEP 711.03(c), Applicants hereby petition the Commissioner to withdraw the provisional holding of abandonment mailed September 19, 2005 in regard to the above-captioned application.

During a September 23, 2005 telephone conference between Examiner Audet and the undersigned, it was determined that the Patent Office records show that a Notice of Allowance was mailed on October 6, 2004, setting a due date of January 6, 2005 for payment of the issue fee and publication fee. However, the Notice of Allowance was not received by the undersigned. A search of the file jacket and the docket records indicates that the Notice of Allowance was not received. A copy of the Nixon & Vanderhye P.C. computer docket for this case, along with a copy of the back-up docket book pages for January 6, 2005, where an entry for payment of the issue fee and publication fee would have been docketed if the Notice of Allowance had been

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received, are attached hereto as Appendix A and Appendix B, respectively. The computer docket (Appendix A) shows the last document received from the USPTO being the Official Filing Receipt on June 7, 2004. No entry appears in the computer docket for receipt of the Notice of Allowance and no entry appears for this case in the back-up docket book (Appendix B) on January 6, 2005 for payment of the issue fee and publication fee. The computer docket shows a status call-up for September 25, 2005, which would have been satisfied with the submission of a Status Request had the Notice of Allowance not been received by that date. In addition, the computer docket shows a one month call up for October 19, 2005 with respect to the Notice of Abandonment received in the case.

Had Nixon & Vanderhye P.C. received a Notice of Allowance, the computer docket and the back-up docket book would have reflected receipt of such. However, as can be seen from the attached Appendices A and B, there is no indication that a Notice of Allowance was received in this case.

Because the provisional holding of abandonment is in error as the Notice of Allowance was never received by Nixon & Vanderhye P.C., it is respectfully submitted that no fees are necessary to effect withdrawal of the Notice of Abandonment and reinstatement of the application to pending status. However, should any fees be due (it is believed that this should not be required), the undersigned authorizes charging of Deposit Account No. 14-1140, order number 4137-33, in order to effect entry of this Petition, withdrawal of the Notice of Abandonment, mailing of the Notice of Allowance and restarting the period for payment of the issue fee.

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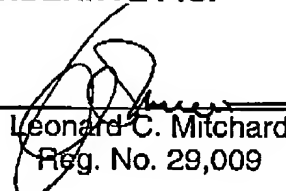
Should there be any question regarding this Petition, the Patent Office personnel in charge of this matter is invited to contact the undersigned at the telephone number listed below.

Favorable action on this application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
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Attachments: Appendices A and B

PCMaster v3.03.01 - Master Data Center - [Patent]

File Edit Records Utilities Tools Help

Patent Number: 4137-0033
 Country: United States
 Type: Utility Appln.
 Divisional Appln.
 Non-PCT

Applicant: Leonard C. Mitchard
 Attorney: Blake Dawson Waldron
 Assignee: PEPTech LIMITED
 51515

SUSTAINED PARTIAL REBAG EXAMINATION

Inventor	PCT Publication No.	Related Cases	Title	Current Related Case Info
Filing Date	Customer No./Product Assoc.	9/15/2004/Cont US/Cont For	Access/Due Dates	Misc/MGM/Tiers/Abn/Comust
IDS Filed?	6/25/2004	3/25/2004		
File Prel. Amendment	8/4/2004	8/4/2004		
IDS Filed	8/4/2004	8/4/2004		
Filing Receipt Recv'd?	9/25/2004	6/7/2004		
Office Action Received?	3/25/2005			
Status Check C/U	10/19/2005		Abandoned?	
IDS Filed				
Filing Receipt (OFR)				

Novell GroupWise PCMS Open PCMaster v3.03.01

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PCMaster v4.03.01 - Master Data Center - [Patent]

File Edit Records Utilities Tools Help

4137-0033
United States
Utility Appln.
Divisional Appln.
Non-PCT

Leonard C. Michard
Blake Dawson Waldron
PEPTECH LIMITED
91515

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Inventors	PCT Publication No.	Related Cases	Title	Comax Related Case Info
Filing Date	Customer No/Product/Assoc.	R/F-Prod/Doc/Con US/Can For	Actions/Due Dates	Matr/MGM/Tier/Abr/Comus
Filed			12/8/1996	
			11/26/2001	
	09/991,714			
	10/808,504		3/25/2004	
	PCT/AU97/00560			

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JANUARY 6, 2005

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
JTH	2165-8	76/388,453	SOU OR 2 nd EXT	ROLL
JTH	2165-9	76/388,452	SOU OR 2 nd EXT	ROLL
HWA	790-933	75/692,625	SOU OR 2 nd EXT	Express Abdm
DKK	4272-5	62/534,361	ARM COMPASSION	Abandon
FPP	2939-8	76/462,307	SOU OR 2 nd EXT	7-28/SCM
MAN	141-375	10/102,379	6 mo Resp	Abandoned
BOS	3665-75	10/479,756	6 mo Resp	11-8
LSO	2018-713	10/442,126	6 mo Resp	11-8
LCM	2370-110	10/167,652	1 mo Resp (SEXT)	11-22
LCM	2911-17	10/470,155	1 mo Resp (SEXT)	8-6
MTW	39-267	10/182,187	1 mo Resp (SEXT)	Abandoned
DMB	10-1334	76/239,244	3 mo 6 mo Resp (SEXT) ^{10/10/04}	1-6
RYM	36-1373	09/674,073	6 mo Resp (ER)	RCE
N.C.	461-18	10/053,509	6 mo Resp (ER)	nan OA
ARC	160-389	10/651,097	6 mo Resp	1-5
FPP	2834-9	07/335,045	6 mo Resp	Drop
JAL	2372-05	09/057,496	6 mo Resp	10-5
BND	1497-116	10/371,012	6 mo Resp	10-4
MTW	1579-822	10/457,071	1 mo Resp (6 th EXT)	11-8
MTS	723-1069	09/892,323	6 mo Resp	1-6
LCM	4441-4	10/810,851	1 mo Resp (SEXT)	drop
PSB	1461-5	09/723,329	6 mo Resp (ER)	allowed
SES	553-66	10/287,825	6 mo Resp	Aband
DJB	336-31	76/531,441	SOU OR 1 st EXT	ROLL
JTH	220-60	76/527,444	SOU OR 1 st EXT	11-12
SLC	3652-35	76/231,264	SOU OR 1 st EXT	12-29 ^{9:00} _{file}
BWA	375-19	76/037,365	SOU OR 1 st EXT	1-3-05
RWA	790-1300	76/479,026	SOU OR 1 st EXT	ROLL
RWA	928-68	76/474,962	SOU OR 1 st EXT	ROLL
RWA	790-1376	76/481,293	SOU OR 1 st EXT	1-3-05
RWA	2015-064	10/337,896	Issue Fee ^{0.01} / ^{0.01} Publi Fee	1-3-05
TEM	604-716	10/806,716	Issue Fee ^{1.4} / ^{1.4} Publi Fee	1/4
CC	2010-382	9/775,594	Issue Fee ^{1.4} / ^{1.4} Publi Fee	12-29
ARC	1417-442	10/686,776	Issue Fee ^{1.4} / ^{1.4} Publi Fee	11-26
AMP	839-1372	10/646,731	Issue Fee ^{1.4} / ^{1.4} Publi Fee	11-23
HWA	900-467	10/458,736	3 MO Resp	1-3-05

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JANUARY 6, 2005

ATTY	CLT/MAT	SERIAL NO.	DESCRIPTION	DONE?
WFG	4380-120	10/315,182	3 Mo Resp/FR	Roll
HWB	1035-471	10/670,194	3 Mo Resp	1-3-05
BHD	4185-3	10/234,851	3 Mo Resp	Roll
PTB	1207-97	10/378,679	3 Mo Resp	Roll
MISS	839-1013	9/678,521	3 Mo Resp	Roll
Rym	922-476	9/286,469	3 Mo Resp/FR	1-6
LCM	606-250	9/797,919	3 Mo Resp/FR	Roll
Rym	36-1359	9/623,977	3 Mo Resp	1-6
MSW	39-246	9/962,604	3 Mo Resp/FR	Roll
JAR	914-101	9/369,386	3 Mo Resp	Roll
HWB	2380-166	09/545,872	Issue Fee + Resp + Pub. Fee	11-24
SCS	550-313	10/152,330	Issue Fee + Resp + Pub. Fee	12-30
LSW	2018-605	10/246,518	Issue Fee + Resp + Pub. Fee	1-18
Rym	839-989	09/906,001	Issue Fee + Resp + Pub. Fee	1-6
JAL	550-449	10/470,347	Issue Fee + Resp + Pub. Fee	12-22
JAB	3691-311	09/963,396	3 Mo Resp	Roll
PTB	1448-4	10/1735,851	3 Mo Resp	1-6
BJS	2350-23	09/341,241	3 Mo Resp	1-5-05
BJS	620-212	10/262,824	3 Mo Resp/FR	Roll
GRT	117-392	10/609,171	3 Mo Resp	Roll
MSW	1519-729	10/229,286	3 Mo Resp	Roll
ARC	1430-279	10/407,204	Issue Fee + Resp	1-6
GRT	117-439	10/356,733	1 Mo Resp (2 ext)	1-6
GRT	1303-232	09/879,308	1 Mo Resp (2 ext)	Roll
BJS	620-179	10/018,826	1 Mo Resp (2 ext)	Abandon
Rym	36-1384	09/674,706	5 Mo Resp	1-6
Amk	249-355	10/761,011	Decl / 1st ext	1-6
JAR	3691-474	10/289,244	1 Mo Resp (non com)	1-3
DMB	2590-93	10/498,906	1 Mo Resp (F)	12-27
Amk	2802-5	9/617,005	1 Mo Resp (non resp)	12-13
BHD	1006-192	10/178,064	1 Mo Resp (Rebut AB)	12-30
LSW	1418-29	10/0104,070	1 Mo Resp Resp	Roll
JAL	3060-32	9/118,444	5 Mo Resp	Roll
SCS	510-317	9/744,836	5 Mo Resp/FR	Roll
DBB	927-1301	10/424,428	Sector 2nd Ext	Roll

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